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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Inventor(s):** Lixiao Wang, ET AL**Title:** HIGH COMPLIANCE, HIGH STRENGTH
CATHETER BALLOONS USEFUL FOR
TREATMENT OF GASTROINTESTINAL
LESIONS**Filed:** July 23, 1996**Ser. No.** 08/685,338

JUL 16 1997
OFFICE OF PATENTS

**Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor
(37 CFR 1.47(a))****Attorney's Docket No. S63.2-5902**

This declaration is made as to the exact facts which are relied upon to establish the diligent effort to secure the execution of the declaration by the omitted inventor for the above identified patent application before deposit thereof in the Patent and Trademark Office.

This declaration is being made by the available person having first-hand knowledge of the facts recited herein.

Identification Of Person Making This Declaration Of Facts**Name of declarant:** Luke R. Dohmen**Address of declarant:** SciMed Life Systems, Inc.
One SciMed Place
Maple Grove, MN 55311**Title of declarant:** Senior Patent Attorney**Last Known Address(es) Of The Omitted Inventor****Full name of omitted Inventor:** Donald J. Fournier**Last Known Address:** 1429 E. Bellevue Way, N.E., Bellevue, Washington 98004
or P.O. Box 283, Bellevue, WA 98009-0283

Details Of Efforts To Reach Omitted Inventor

1. Donald J. Fournier was an employee of Boston Scientific Corporation, during the period in which he jointly invented subject matter claimed in the above identified application.
2. This application was filed as a U.S. application on July 23, 1996.
3. Donald J. Fournier is no longer an employee of Boston Scientific Corporation.
4. The above identified application received a Notification Of Missing Requirements requiring the declaration of the inventors by September 5, 1996, or by February 5, 1997 with a 4 month petition for extension pursuant to 37 CFR 1.136(a).
5. On December 5, 1996 I mailed a copy of U.S. Appln. 08/685,338 to Donald J. Fournier and instructed him to review the application and sign and date the Declaration and Assignment which were previously sent to him on October 31, 1996 and to return the documents in the self-addressed envelope provided. A copy of this letter is attached to this declaration as **exhibit A**.
6. On January 6, 1997, Donald J. Fournier mailed a letter to me indicating that he had received the application, declaration and assignment. Mr. Fournier also indicated that he refused to review, sign and return the forwarded documents until the Company forwarded \$2,500 to him for review of the documents by him and by separate legal counsel. A copy of this letter is attached to this declaration as **exhibit B**.
7. On January 30, 1997, I attempted to telephone Donald J. Fournier to discuss the situation using the telephone number which is listed with directory service under the return address from his letter of January 6, 1997, but the number had been disconnected.
8. On January 31, 1997, I sent Mr. Fournier a letter by Express Mail informing him that his request for \$2,500 was too high and that we would be open to negotiating a more reasonable fee for his time. I requested that he contact me to discuss the situation. A copy of this letter is attached to this declaration as **exhibit C**.
9. As of February 4, the day before the response to the above mentioned Notice of Missing Parts is due with extensions, we have not received a response from Mr. Fournier.
10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: Feb 4, 97


Luke Dohmen